

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

GEMINI MASTER FUND, LTD. AND  
BLACK MOUNTAIN EQUITIES, INC.,

Plaintiffs,

-against-

ELECTRONIC CIGARETTES  
INTERNATIONAL GROUP, LTD,

Defendant.

**No. 15-cv-3378 (WHP)**

**CIVIL CASE DISCOVERY  
PLAN AND SCHEDULING  
ORDER**

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Fed. R. Civ. P. 16 and 26(f), and this Court's May 8, 2015 Order for Initial Pretrial Conference:

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c).
2. This case is to be tried by the Court.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by August 24, 2015.
4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by August 7, 2015. (Absent exceptional circumstances, 14 days from date of this Order.)
5. Fact Discovery
  - a. All fact discovery shall be completed by November 24, 2015.
  - b. Initial requests for production of documents shall be served by August 7, 2015.
  - c. Interrogatories shall be served by September 8, 2015.
  - d. Non-expert depositions shall be completed by November 30, 2015.

- e. Requests to admit shall be served by September 8, 2015.
  - f. Any of the interim deadlines in paragraphs 5(b) through 5(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5(a).
6. Expert Discovery
- a. All expert discovery, including expert depositions, shall be completed by January 8, 2016.
  - b. Both parties' expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by November 8, 2015.
  - c. Both parties' responsive expert disclosures pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by December 8, 2015.
  - d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).
7. **ALL DISCOVERY SHALL BE COMPLETED BY** January 25, 2016.
8. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.
9. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.
10. The parties have conferred and their present best estimate of the length of the trial is 3 days.
11. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided in paragraphs 5(f) and 6(d) above).
12. The Magistrate Judge assigned to this case is the Honorable Kevin Nathaniel Fox.
13. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.

14. The next case management conference is scheduled for \_\_\_\_\_ at \_\_\_\_\_.

Dated: \_\_\_\_\_  
New York, NY

SO ORDERED:

William H. Pauley, III, United States District Judge